IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL REVISION APPLICATION NO. 217 OF 2005

Office Notes, Office Memoranda of : coram, appearances, Court's Orders: or directions and Registrar Orders:	Court's or Judge's orders

Mr.Das with Mr.M.R. Bhope for the Applicant.

CORAM : H.L. GOKHALE &
MRS. R.S. DALVI, JJ.

DATE : 23RD AUGUST 2005

P.C. :

1. Heard Mr.Das for the Applicant.

2. The application seeks to challenge the order dated 11th May 2005 passed by the Judge, Family Court No.1, Pune awarding monthly payment of Rs.1,000/- to the Respondent wife under section 125 of Cr.P.C. with costs of Rs.700/- in Petition No.E-280 of 2003. The Applicant herein is an officer in Defence Services employed at the Ordinance Depot, Talegaon. As per the order, it appears that his salary is around Rs.6,000/- per month after various deductions. It is his case that the Respondent is not staying with

him because of the ailments suffered by her. He spent some good amount for improvement of her health, but she has deserted him.

3. As far as this plea of desertion is concerned, Mr.Das told us that the Applicant filed a petition for restitution of conjugal rights and that has come to be dismissed though his appeal therefrom is pending. On this back-ground, the award of Rs.1,000/- to the wife of an officer of Armed Forces is absolutely just and proper. It cannot be said that it is in any way excessive. Application is dismissed.

(H.L. GOKHALE, J.)

(MRS. R.S. DALVI, J.)